

Remarks

Applicants have read and considered the Office Action dated May 28, 2004 and the references cited therein. Reconsideration and reexamination are hereby requested.

Claim 22 has been amended to correct minor typographical errors.

Claims 1 to 24 remain pending in the application.

Claims 1, 2, 11, 14 and 24 were rejected under 35 U.S.C. § 102 (b), as being anticipated by Moser et al. Applicants respectfully traverse the rejection as follows.

Moser et al. teaches a surface topographer based on conoscopic holography (see column 8 line 10-20), using an assembly projecting an interference pattern produced by interference between only two types of rays (ordinary and extraordinary) refracted by a birefringent medium, which involves change in optical properties of an incident light.

In sharp contrast, the present invention comprises a pattern projecting assembly for simultaneously projecting at least two phase-shifted patterns onto an object, as supported in the description (see page 9 lines 6-9, Figures 3 and 5). Applicants assert that nothing in Moser et al. teaches or suggests the three-dimensional grabber as recited in claims 1 and 24 as filed.

In view of the above and foregoing, it is respectfully requested that the Examiner withdraw the rejection of claims 1, 2, 11, 14 and 24 under 35 U.S.C. § 102(b).

Claims 3-10, 12 and 13 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants thank the Examiner for the indication of allowable subject matter. As Applicants believe that claim 1 is allowable for the reasons stated above, the claims have not been rewritten in independent form.

Claims 15-23 were allowed. Applicants thank the Examiner for the allowance of these claims.

Applicants assert that the rejections of the original claims are overcome by the present remarks. From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such an Action is earnestly solicited. If the Examiner believes that a telephone interview would be helpful in this matter, please contact Applicants' Representative at (612) 336-4728.

Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: _____

8/30/04

By: _____

Gregory A. Sebald
Gregory A. Sebald
Reg. No. 33,280
GAS/krm